

ASSEMBLY BILL

No. 2891

Introduced by Assembly Member Koretz

February 25, 2002

An act to amend Sections 33211.5 and 33211.6 of the Public Resources Code, relating to the Santa Monica Mountains Conservancy.

LEGISLATIVE COUNSEL'S DIGEST

AB 2891, as introduced, Koretz. Santa Monica Mountains Conservancy.

(1) Existing law establishes the Santa Monica Mountains Conservancy within the Resources Agency. Existing law specifies conditions of use that apply to property owned or subject to the interim management of the conservancy. Those conditions include authorizing property to be closed to public use only when fire, mudslide, landslide, or flood dangers pose a substantial risk of injury or loss of life and requiring property to be reopened as soon as those conditions no longer pose a danger of injury or loss of life.

This bill would modify the conditions of use that apply to property owned or subject to the management of the conservancy. This bill would authorize property to be closed when the executive director or his or her authorized representative determines that an emergency or potential emergency situation exists. The bill would require property to be reopened when the executive director or his or her authorized representative determines that the emergency or potential emergency situation no longer exists.

(2) Existing law requires vehicles to park only in designated areas on conservancy property and prohibits vehicles from being operated off of roads. Existing law requires trails, campsites, and other public use

areas on property owned or subject to the interim management of the conservancy to be designated and posted with prohibited activities and use restrictions clearly indicated.

This bill would require all vehicle use, including bicycles, to conform to posted laws. This bill would specify prohibited activities and use restrictions to be posted on public use areas owned or subject to the management of the conservancy.

(2) Existing law prohibits the dumping of any refuse matter, except by permit, on property owned or managed by the conservancy, and posted against that dumping. Existing law prohibits injuring, defacing, or destroying any property owned or managed by the conservancy. Existing law prohibits the violation of the posted conditions of use of property owned or managed by the conservancy. Existing law makes the dumping of refuse matter, the injuring, defacing, or destroying of property, or the violation of posted conditions of use of property owned by the conservancy, a misdemeanor punishable by a fine of not more than \$500 or imprisonment or both that fine and imprisonment. Existing law authorizes the reduction of the charged offense of violating posted conditions from a misdemeanor to an infraction punished by a fine of not less than \$5 and not more than \$500.

This bill would make the dumping of refuse matter, the injuring, defacing, or destroying of property, or a violation of the posted conditions of use of conservancy property, a misdemeanor punishable by a fine of not more than \$1,000 or imprisonment or both that fine and imprisonment. If the charged offense of violating posted conditions is reduced from a misdemeanor to an infraction, this bill would make the minimum fine \$100.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 33211.5 of the Public Resources Code
- 2 is amended to read:
- 3 33211.5. (a) The following conditions of use apply to
- 4 property owned or subject to the ~~interim~~ management of the
- 5 conservancy:
- 6 (1) Opening and closing hours shall be posted on any property
- 7 upon which public use is permitted.



(2) Property may be closed to public use only when fire, mudslide, landslide, or flood dangers pose a substantial risk of injury or loss of life, *or when the executive director, or the executive director's authorized representative, determines that an emergency or potential emergency situation exists.*

Any property closed shall be reopened as soon as the fire, mudslide, landslide, or flood dangers no longer pose a danger of injury or loss of life, *or when the executive director, or the executive director's authorized representative, determines that an emergency or potential emergency situation no longer exists.*

(3) Vehicles shall park only in designated areas and ~~shall~~ may not be operated off of roads or other areas designated for vehicle use. *All vehicle use, including bicycles, shall conform to posted signs.*

(b) Trails, campsites, and other public use areas on property owned or subject to the ~~interim~~ management of the conservancy shall be designated and posted with prohibited activities and use restrictions clearly indicated, *including, but not limited to, the prohibition or restriction of smoking, fires, fireworks, animals, possession of dangerous weapons, or other activities that affect the safety of visitors, campers, trail users, or the natural or historic resources of the property.*

(c) Determining and posting conditions of use by the executive director pursuant to subdivisions (a) and (b) ~~shall~~ may not be considered the adoption of regulations within the meaning of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

SEC. 2. Section 33211.6 of the Public Resources Code is amended to read:

33211.6. (a) Dumping any refuse matter, except by permit signed by the executive director or the executive director's authorized representative, on property owned or managed by the conservancy, and posted against that dumping, shall be a misdemeanor punishable by a fine of not more than ~~five hundred dollars (\$500)~~ *one thousand dollars (\$1,000)*, or imprisonment in the county jail for not more than six months, or both that fine and imprisonment.

(b) Injuring, defacing, or destroying any property owned or managed by the conservancy or any of the natural features thereof,

1 shall be a misdemeanor punishable by a fine of not more than ~~five~~
2 ~~hundred dollars (\$500)~~ *one thousand dollars (\$1,000)*, or
3 imprisonment in the county jail for not more than six months, or
4 both that fine and imprisonment.

5 (c) Violation of the posted conditions of use on any property
6 owned or managed by the conservancy is a misdemeanor
7 punishable by imprisonment in the county jail not exceeding 90
8 days, or by a fine not exceeding ~~five hundred dollars (\$500)~~ *one*
9 *thousand dollars (\$1,000)*, or by both that fine and imprisonment,
10 except that at the time a particular action is commenced, the judge
11 may, considering the recommendation of the prosecuting attorney,
12 reduce the charged offense from a misdemeanor to an infraction.
13 Any person convicted of the offense after such a reduction shall be
14 punished by a fine of not less than ~~five dollars (\$5)~~ *one hundred*
15 *dollars (\$100)*, nor more than five hundred dollars (\$500).

